

**UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF NEW JERSEY**

**IN RE: INVOKANA  
(CANAGLIFLOZIN)**

**PRODUCTS LIABILITY LITIGATION**

**CIVIL ACTION NUMBER:**

**3:16-md-02750-BRM-LHG**

**CASE MANAGEMENT  
CONFERENCE**

Clarkson S. Fisher Building & U.S. Courthouse  
402 East State Street  
Trenton, New Jersey 08608  
November 16, 2017  
11:00 a.m.

**B E F O R E:**

**THE HONORABLE BRIAN R. MARTINOTTI  
THE HONORABLE LOIS H. GOODMAN  
UNITED STATES DISTRICT JUDGES**

**A P P E A R A N C E S:**

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JEFFREY GRAND, ESQUIRE

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Certified as true and correct as required by Title  
28, U.S.C., Section 753.

/S/ Megan McKay-Soule, RMR, CRR

**A P P E A R A N C E S CONT'D:**

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BY: JAMES F. MURDICA, ESQUIRE  
Attorney for Defendants

1 THE DEPUTY COURT CLERK: All rise.

2 (Open court begins at 11:03 a.m.)

3 THE COURT: We have counsel on the phone.

4 Ready to go.

5 Good morning, counsel. Your appearances for  
6 the record, please.

7 MR. SEEGER: Good morning, your Honor. Chris  
8 Seeger for the plaintiffs. With me is Jeff Grand from  
9 Seeger Weiss.

10 MR. LONDON: Good morning, your Honor.  
11 Michael London for plaintiffs.

12 MS. RELKIN: Good morning, your Honor. Ellen  
13 Relkin for the plaintiffs.

14 MR. ECKLUND: Good morning, your Honor. Don  
15 Ecklund from Carella Byrne on behalf of plaintiffs.

16 MR. LOPALO: Good morning, your Honor. Chris  
17 Lopalo from Napoli Shkolnik.

18 MR. LEWIS: John Lewis for defendants. Good  
19 morning, your Honor.

20 MS. BENEDICT: Mollie Benedict for defendants.

21 MR. ZOGBY: Mike Zogby for defendants.

22 MR. MURDICA: Jim Murdica for defendants.

23 THE COURT: Welcome, counsel.

24 We had a conference in chambers, as has been  
25 the protocol, myself and Judge Goodman with liaison

1 counsel.

2 The one question I have is what's going on  
3 with the Mitsubishi defendants regarding plaintiff  
4 Sanford? Any idea?

5 MR. LEWIS: Your Honor, on behalf of  
6 defendants, we know that that's the only remaining  
7 case with the Mitsubishi defendant named. My  
8 understanding is that counsel for plaintiffs and the  
9 Steering Committee have reached out to that attorney  
10 on numerous occasions to dismiss that defendant. I'm  
11 not sure where that stands.

12 MR. LONDON: Your Honor, Michael London for  
13 the PSC.

14 We have obviously reached out to numerous  
15 firms, and I think the Court has given direction at  
16 various case management conferences to comply with  
17 Case Management Order 7 to dismiss the Mitsubishi  
18 defendants from the cases.

19 We will endeavor -- it's been a success. I  
20 believe the list -- obviously, the list has decreased  
21 significantly to this one case with this one firm. We  
22 will endeavor to communicate with the Latham, Wagner,  
23 Steele & Lehman firm representing Constance Sanford  
24 and remind that firm of the obligations of Case  
25 Management Order 7, and I hope that we can report back

1 at the next CMC that the case and the Mitsubishi  
2 defendants have been dismissed from it.

3 THE COURT: Let me ask counsel appearing  
4 telephonically, is counsel for plaintiff Sanford on  
5 the line?

6 (No response.)

7 THE COURT: I guess not. Is counsel for  
8 plaintiff Sanford on the line?

9 THE DEPUTY COURT CLERK: Counsel, are you  
10 there?

11 (No response.)

12 MR. LEWIS: Is it possible it's a listen-only  
13 line?

14 THE COURT: Do me a favor, convey to counsel  
15 on Sanford that if at the next case management  
16 conference the Mitsubishi defendant is not dismissed,  
17 I may, and I'm not going to put this in the order, I  
18 may just dismiss his entire case and let him re-file  
19 it against everybody but Mitsubishi. So maybe that  
20 will get their attention.

21 With respect to orders entered since the last  
22 case management conference, Judge Goodman entered an  
23 order regarding production of personnel files. That  
24 order's terms will be implemented, and counsel are  
25 meeting and conferring to comply with that order.

1 Likewise, counsel will continue to meet and confer  
2 regarding requests to change the discovery schedule  
3 and a new scheduling order in the bellwether cases.

4 Aside from that, anybody need to be heard?  
5 Defendants.

6 MR. LEWIS: Nothing for defendants. Thank  
7 you, your Honors.

8 THE COURT: Plaintiffs' counsel.

9 MR. SEEGER: No, Your Honor. We're good.

10 THE COURT: On behalf of Judge Goodman and  
11 myself and the Court, my best to you and your families  
12 for a happy, healthy thanksgiving, and we will see you  
13 on December 7th, I believe.

14 THE COURTROOM DEPUTY: 6th.

15 On the 6th. Counsel, thank you very much.  
16 Safe travels. Off the record.

17 (Court adjourned at 11:10 a.m.)  
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**REPORTER'S CERTIFICATE**

I, **Megan McKay-Soule, RMR, CRR**, Official Court Reporter of the United States District Court for the District of New Jersey, do hereby certify that the foregoing proceedings are a true and accurate transcript of the testimony as taken stenographically by and before me at the time, place, and on the date hereinbefore set forth.

I further certify that I am neither related to any of the parties by blood or marriage, nor do I have any interest in the outcome of the above matter.

**/S/ Megan McKay-Soule, RMR, CRR**

**November 16, 2017**

Court Reporter

Date

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